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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,964

01/26/2006

Herman Johannes Gertrudis Gielen

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06/13/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

TRAN, THUY V

ART UNIT

PAPER NUMBER

2821

MAIL DATE

DELIVERY MODE

06/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/566,964

Applicant(s)

GIELEN, HERMAN JOHANNES  
GERTRUDIS

Examiner

Thuy V. Tran

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01/26/2006 & Prel. amendment conc. filed.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-1-6, 9 is/are rejected.
- 7) ☒ Claim(s) 7, 8 and 10-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/26/2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/19/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office Action is in response to the Applicant's communication filed on 01/26/2006 and preliminary amendment concurrently filed therewith. In virtue of this amendment, claims 1-12 are currently presented in the instant application.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 04/19/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings Objections***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "ballast" (recited in line 2 of claim 5), the "glow starter" (recited in line 3 of claim 6), the "electrode ring" (recited in line 3 of claim 10), and the "antenna" (recited in line 2 of claim 11) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 2 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 2, the recitation "upon igniting the low-pressure mercury vapor discharge lamp ... from affecting the one electrode" in lines 2-5 renders the claim indefinite since it is not clear what the ignition-related events are. Clarification is required.

With respect to claim 9, the recitation "characterized in that ... average temperature of the electrodes" in lines 2-4 renders the claim indefinite since it is not clear whether the recited temperature relates to or occurs during the operation process or manufacturing process. Clarification is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Soules et al. (U.S. Patent No. 6,809,477 B2; hereinafter “Soules”).

With respect to claim 1, Soules discloses, in Fig. 1, a low-pressure mercury-vapor discharge lamp [10] comprising (1) a discharge vessel [12] enclosing, in a gastight manner, and (2) a discharge space (within [12]; see Fig. 1) provided with a filling of mercury and an inert gas in a gastight manner (see col. 3, lines 59-61), the discharge vessel [12] comprising electrodes [22, 24] arranged in the discharge space for maintaining a discharge in the discharge space. Soules further inherently discloses that the probability of failure of the low-pressure mercury vapor discharge lamp is substantially determined by one of the electrodes (due to the heating of the coil of the electrode; see col. 5, lines 18-23).

With respect to claim 2, as to the best interpretation, Soules inherently discloses that upon igniting the low-pressure mercury vapor discharge lamp [10], ignition-related events influence the electrodes, the ignition-related events being substantially prevented from affecting the one electrode (since the ignition-related events may be caused by the fall of pieces of the emitter material from the electrodes resulting the failure of the lamp; see col. 5, lines 18-23).

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With respect to claim 3, the limitation “characterized in that ... under AC current conditions” recited in lines 2-6 is not of patentable merit since it tends to an intended use or a manner of operation. A claim containing a recitation with respect to a manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim. See MPEP § 2114.

With respect to claims 4 and 5, the limitation “characterized in that ... from the one electrode” recited in lines 2-5 of claim 4 is not of patentable merit since the claimed ballast circuit appears not to be a part of the lamp and as such the limitation is directed to an intended use or a manner of operation. A claim containing a recitation with respect to a manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim. See MPEP § 2114. Claim 5 is treated in the same manner as recited in claim 4.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soules in view of Moerkens (U.S. Patent No. 3,740,609).

With respect to claim 6, Soules discloses all of the claimed subject matter, as expressly recited in claim 1, including a starter ballast [28], except for a glow starter circuit comprising a circuit assembly comprising a diode.

Moerkens discloses, in Fig. 1, a low-pressure mercury vapor discharge lamp [7] assembly comprising a glow starter circuit [3, 4, 5, 6, 11, 12] comprising a circuit assembly comprising a diode [5].

Since Soules teaches that other types of ballasts can be used to operate the lamp (see col. 4, lines 14-16), it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the discharge lamp assembly of Soules by replacing the starting ballast of Soules with the glow starter circuit of Moerkens for a quickly effective ignition (see col. 1, lines 54-57).

***Allowable Subject Matter***

10. Claims 7-8 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to disclose or fairly suggest:

- A low-pressure mercury vapor discharge lamp wherein the mass of the emitter material of the one electrode being 20% lower than the average mass of the emitter material of the electrodes, in combination with the remaining claimed limitations as called for in claim 7;

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- A low-pressure mercury vapor discharge lamp wherein the content of barium, calcium, and/or strontium in the emitter material of the one electrode being 20% lower than the average barium, calcium or strontium content in the emitter material of the electrodes, in combination with the remaining claimed limitations as called for in claim 8; and
- A low-pressure mercury vapor discharge lamp characterized in that the one electrode is surrounded by an electrode ring, the electrode ring functioning as a cage of Faraday, in combination with the remaining claimed limitations as called for in claim 10 (claims 11-12 would be allowed since they are dependent on claim 10).

Note: Claim 9 is not being provided with either rejection over art nor indicated allowable subject matter since the claimed limitation is not clearly defined.

*Citation of relevant prior art*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Prior art Evans et al. (U.S. Patent No. 3,562,571) discloses a discharge lamp.

*Inquiry*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy V. Tran whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:00 AM -4:00 PM).

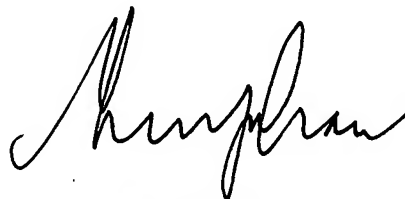
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Owens Douglas can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/11/2007

A handwritten signature in black ink, appearing to read 'Thuy V. Tran', is positioned above the printed name and title.

**THUY V. TRAN**  
**PRIMARY EXAMINER**